

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-052-C - ORDER NO. 92-535✓
JULY 9, 1992

IN RE: Application of Executone Information) ORDER GRANTING
Systems, Inc. for a Certificate of) PETITION FOR
Public Convenience and Necessity to) RECONSIDERATION
Operate as a Reseller of Intrastate) AND ORDERING
InterLATA Long Distance Services) REFUNDS
within the State of South Carolina.)

This matter is before the Public Service Commission of South Carolina (the Commission) on the Corrected Petition for Rehearing and Reconsideration of Order No. 92-425 (June 4, 1992) filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate).¹ Order No. 92-425 granted Executone Information Systems, Inc. (Executone) a Certificate of Public Convenience and Necessity to operate as a reseller of intrastate interLATA long distance telecommunications services within the State of South Carolina. In Order No. 92-425 the Commission denied the Consumer Advocate's motion to require Executone to refund to its customers charges collected for intrastate calls completed in South Carolina prior to its certification. The Consumer Advocate asserts in its

1. On June 22, 1992, the Consumer Advocate filed its original Petition for Rehearing and Reconsideration. On July 6, 1992, the Consumer Advocate filed its Corrected Petition for Rehearing and Reconsideration. The Corrected Petition does not alter the substantive arguments of the original Petition. Instead, it corrects typographical errors.

present petition that the denial of its motion for refunds is in violation of S.C. Code Ann. §58-9-280 (1976) and is contrary to the Commission's prior rulings.

S.C. Code Ann. §58-9-280 (1976) states, in relevant part, as follows:

No telephone utility shall begin the construction or operation of any telephone utility plant or system, or of any extension thereof, except those ordered by the Commission under the provisions of §58-9-270, without first obtaining from the Commission a certificate that public convenience and necessity require or will require such construction or operation.

In Order No. 92-425, the Commission found that Executone admitted it had completed intrastate long distance telephone calls within the State of South Carolina prior to obtaining a Certificate of Public Convenience and Necessity. Order, page 3. The Commission concludes that Executone's operation as a telephone utility prior to receiving certification under Section 58-9-280 is in violation of the statute. Consequently, the Commission determines it is within its discretion and appropriate to require Executone to refund to its customers all charges, if any, collected by it for completion of intrastate telephone calls prior to the date of Order No. 92-425. Therefore, the Commission orders as follows:

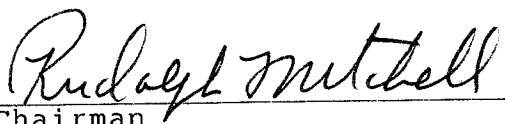
1. The Consumer Advocate's Petition for Reconsideration is granted.

2. Executone shall refund to its customers all charges, if any, collected by it for completion of intrastate telephone calls prior to the date of this Order.

3. These refunds shall be issued within thirty (30) days of the date of this Order and shall include interest at the rate of 12% per annum.

4. The Company shall file with the Commission all necessary information to certify that the refunds have been made.

BY ORDER OF THE COMMISSION:


VICE-Chairman

ATTEST:


Executive Director

(SEAL)